

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Richard S. KUSLEIKA  
Application No.: To be assigned  
Filed: Herewith  
Title: CATHETER FOR TISSUE DILATATION  
AND DRUG DELIVERY  
Group Art Unit: 3763 (anticipated)  
Examiner: Chris Loiren Rodriguez

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR § 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The filing of this Information Disclosure Statement and the enclosed PTO Form No. 1449, shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b). The paragraphs marked below are applicable. It is believed that no fees other than those indicated below are due, but authorization is hereby given to charge any additional fees due, or to credit any overpayment, to deposit account 11-0600.

1. This Information Disclosure Statement is being filed (a) within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. §1.53(d), (b) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, (c) before the mailing date of a first Office Action on the merits in the present application, OR (d) before the mailing of a first office action after filing of a request for continued examination. No certification or fee is required.

2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a final action, Notice of Allowance, or any action that otherwise closes prosecution.

a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).

b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).

c. Please debit Deposit Account No. 11-0600 in the amount of \$180.00 in payment of the fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached. 37 CFR §1.97(c)(2).

3. This Information Disclosure Statement is being filed after the mailing date of a final action, Notice of Allowance or an action that otherwise closes prosecution, but before payment of the Issue Fee. Applicant(s) hereby request(s) that the Information Disclosure Statement be considered. Please debit Deposit Account No. 11-0600 in the amount of \$180.00 in payment of the petition fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.

a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in any counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).

b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).

OPTIONAL INSERT PARAGRAPHS FOR INFORMATION DISCLOSURE STATEMENT (Please delete non-applicable paragraphs).

4. Relevance of the non-English language reference(s) is discussed in the present specification.

5. The reference(s) was/were cited in a counterpart foreign application. An English language version of the foreign search report is attached for the Examiner's information.
6. A concise explanation of the relevance of the non-English language reference(s) appears in the Appendix attached hereto.
7. The Examiner's attention is directed to co-pending U.S. Patent Application No. \_\_\_\_\_, filed, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination of the present application.
8. This application is one of a series of related applications, identified in the attached Appendix, which are directed to related technical subject matter. The identification of those U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during the examination.
9. The reference(s) was/were cited by or submitted to the Office in parent application No. 09/815,144, filed March 22, 2001, which is relied upon for an earlier filing date under 35 U.S.C. §120. Thus, copies of these references are not attached. 37 CFR §1.98(d).
10. English-language Abstracts of the non-English language references are attached hereto.
11. Since this application was filed after June 30, 2003, copies of U.S. references are not included.

Respectfully submitted,

KENYON & KENYON

  
Douglas E. Ringel  
Registration No. 34,416

Date: Apr. 16, 2004  
Kenyon & Kenyon & Kenyon  
1500 K Street, N.W.  
Washington, D.C. 20005  
Telephone: (202) 220-4200  
Facsimile: (202) 220-4201

DER/lmq

FORM PTO-1449		Atty. Docket No.:	Appl. No.:
		12013/48803	
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT		First Named Inventor:	
		Richard S. Kusleika	
		Filing Date	Group Art:
HEREWITH		3763	

U.S. PATENT DOCUMENTS

Examiner Initial	Document No.	Date	Name	Class	Sub Class	Filing Date If Appropriate
AA	4,963,313	10/1990	Noddin et al.			
AB	Re. 33,561	3/1991	Levy			
AC	5,295,962	3/1997	Crocker et al.	604	101	
AD	5,611,775	3/1997	Machold et al.	604	53	
AE	5,358,487	10/1994	Miller	604	96	
AF	5,049,132	9/1991	Shaffer et al.	604	101	
AG	5,232,444	8/1993	Just			
AH						
AI						
AJ						
AK						

FOREIGN PATENT DOCUMENTS

		Document No.	Date	Country	Class	Sub Class	Translation Yes No
	AL						
	AM						
	AN						

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AO	
AP	
AQ	

EXAMINER:	DATE CONSIDERED:
-----------	------------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449		Atty. Docket No.:	Appl. No.:	
		120137/48803		
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT		First Named Inventor:		
		Richard S. Kusleika		
		Filing Date	—	Group Art:
		HEREWITH		3763

U.S. PATENT DOCUMENTS

Examiner Initial	Document No.	Date	Name	Class	Sub Class	Filing Date If Appropriate
AA	5,447,497	9/1995	Sogard et al.	604	101	
AB	4,994,033	2/1991	Shockey et al.	604	101	
AC	5,087,244	2/1992	Wolinsky et al.	604	53	
AD	5,146,916	9/1992	Catalani	128	207.14	
AE	5,236,413	8/1993	Feiring	604	96	
AF	5,318,531	6/1995	Leone	604	96	
AG	5,342,305	8/1994	Shonk	604	101	
AH	5,415,635	8/1995	Bagaoisan et al.	604	96	
AI	5,421,826	6/1995	Crocker et al.			
AJ	5,415,636	5/1995	Forman			
AK	5,267,959	12/1993	Forman			

FOREIGN PATENT DOCUMENTS

		Document No.	Date	Country	Class	Sub Class	Translation Yes No
	AL	0567788A1	11/93	Europe			
	AM	0569263A2	11/93	Europe			
	AN	WO91/19529	12/91	PCT			

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AO	"Macroporous Catheters" by Dr. Harvey Wolinsky, pp. 23.1-30.5, <u>JACC</u> Vol. 24, No. 3, September 1994
AP	"Local Drug Delivery for the Prevention of Restenosis", by Dr. A. Michael Lincoff, et al., pp. 2070-2084, <u>Circulation</u> , Vol. 90, No. 4, October 1994
AQ	

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>Notice of References Cited</b>		Application/Control No.	Applicant(s)/Patent Under Reexamination	
		09/815,144	KUSLEIKA, RICHARD S.	
Examiner		Art Unit		
Cris L. Rodriguez		3763		

**U.S. PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
A	US-5,868,704	02/1999	Campbell et al.	604/103.11
B	US-5,807,306	09-1998	Shapland et al.	604/21
C	US-5,873,811	02-1999	Wang et al.	600/3
D	US-5,100,429	03-1992	Sinofsky et al.	128/DIG.8
E	US-4,885,003	12-1989	Hillstead, Richard A.	604/107
F	US-5,609,574	03-1997	Kaplan et al.	604/103.02
G	US-5,569,184	10-1996	Crocker et al.	604/103.01
H	US-5,425,709	06-1995	Gambale, Richard A.	604/103.05
I	US-5,176,638	01-1993	Don Michael, T. Anthony	128/207.15
J	US-5,840,076	11/1998	Swanson et al.	606/34
K	US-5,527,282	06-1996	Segal, Jerome	604/104
L	US-5306250	04-1994	March et al	604/104
M	US-			

**FOREIGN PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
N					
O					
P					
Q					
R					
S					
T					

**NON-PATENT DOCUMENTS**

*	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
U	
V	
W	
X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.